IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 9141 of 2004(L)

PETITIONER:

P.K.SAVIA, ARABIC TEACHER, R.M.L.P.
SCHOOL, VELOOR.P.O., KUNNAMKULAM, THRISSUR DIST.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:
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1. THE ASSISTANT EDUCATIONAL OFFICER,
KUNNAMKULAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM.

3. STATE OF KERAL, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.9141/04

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE RESUBMISSION OF REPRESENTATION FOR THE PETITIONER BY THE HEADMASTER OF RMLPS TO THE FIRST RESPONDENT DT. 24.7.2000.

EXT.P2 : TRUE COPY OF COMMUNICATION NO.R2/L.DIS./35655/01/DPI DT. 3.7.2001 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3 : TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DT. 19.8.2002.

EXT.P4 : TRUE COPY OF REPLY DT. 24.1.2003 VIDE NO.46447/S2/O2/G.EDN. ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.

EXT.P5 :TRUE COPY OF REPLY DT. 3.2.2003 VIDE NO.R2/8377/03/L.DIS. ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

TGS

KURIAN JOSEPH J.

W.P.(C) No.9141 of 2004

Dated 17th August, 2007.

J U D G M E N T

Petitioner is aggrieved since she is denied an opportunity to make reoption. It is stated in the writ petition that consequently, the petitioner is losing around Rs.800/- per month. The first respondent Assistant Educational Officer alone has filed a counter affidavit, wherein it is stated that reoption is permissible only in cases involving court orders. It is seen that the petitioner had approached the Government once and the request has been turned down statting only that in view of G.O.(P) No.3000/98/Fin. dated 25.11.1998, the request for reoption cannot be considered. That Government Order only pertains to 1997 pay revision. This is a peculiar situation whereby the petitioner who is only an aided school teacher did not exercise her diligence in the matter of making timely options as per the Government Orders. Whether it would cause an irreparable inconvenience and injury to the Government, if permission is granted to make the reoption so as to enable an aided school teacher to have her salary properly fixed is a question, the Government should consider. Learned

counsel for the petitioner submits that the sanction can be granted at least on a notional basis, so that the Government does not have any financial burden as far as the arrears are concerned. It is also submitted that in several cases, the Government has granted such an opportunity. In the event of the petitioner approaching the Government pointing out all these aspects, taking note of the facts and circumstances of the case and particularly the fact that the petitioner is only an aided school teacher, who is not normally communicated the Government Orders regarding fixation, appropriate action shall be taken in the interests of justice, in the light of the above submissions, ignoring the stand already taken in Ext.P4, within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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